

## UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANTS  
APPL. NO.  
FILED:  
TITLE:

RODRIGUEZ ET AL.  
09/896,231  
JUNE 29, 2001  
BANDWIDTH ALLOCATION AND PRICING SYSTEM FOR  
DOWNLOADABLE MEDIA CONTENT

ART GROUP: 2612  
EXAMINER: NOT ASSIGNED  
DOCKET NO.: A-7259

DECEMBER 20, 2001

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Technology Center 2600

**TRANSMITTAL OF INFORMATION DISCLOSURE STATEMENT**

Commissioner for Patents  
Washington, DC 20231

Sir:

Transmitted herewith for filing in the above-identified patent application, please find:

1.  2 Page Information Disclosure Statement
2.  Form PTO-1449
3.  Copy of Cited Art
4.  Return Postcard

In the event a fee is required, the Commissioner is hereby authorized to charge payment of any fees required in connection with this Information Disclosure Statement to our Deposit Account No. 19-0761. A duplicate copy of this letter is transmitted herewith.

Respectfully submitted:

SEND CORRESPONDENCE TO:

By: Kelly A. Gardner  
KELLY A. GARDNER  
Attorney of Record  
Reg. No.: 35,147  
Phone: (770) 236-7866  
Fax No.: (770) 236-4806

**Certificate of Mailing**

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Commissioner for Patents  
Washington, DC 20231

on DECEMBER 20, 2001.

Maryellen Licker  
Maryellen Licker



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANTS: RODRIGUEZ ET AL. GRP. ART UNIT: 2612  
APPL. NO.: 09/896,231 EXAMINER: NOT ASSIGNED  
FILED: JUNE 29, 2001 DOCKET NO.: A-7259  
TITLE: BANDWIDTH ALLOCATION AND PRICING SYSTEM FOR  
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INFORMATION DISCLOSURE STATEMENT

Commissioner for Patents  
Washington, D.C. 20231

Sir:

This information disclosure statement is filed in accordance with 37 C.F.R. §§ 1.56, 1.97, and 1.98, and specifically:

- under 37 CFR 1.97(b), or  
(within Three months of filing national application; or date of entry of international application; or before mailing date of first office action on the merits; whichever occurs last)
- under 37 CFR 1.97(c) together with either a:  
 Statement Under 37 C.F.R. 1.97(e), or  
 a \$180.00 fee under 37 CFR 1.17(p), or  
(After the CFR 1.97(b) time period, but before the final office action or notice of allowance, whichever occurs first)
- under 37 CFR 1.97(d) together with a:  
 Statement under 37 CFR 1.97(e), and  
 a \$180.00 petition fee set forth in 37 CFR 1.17(i)(1).  
(Filed after final office action or notice of allowance, whichever occurs first, but before payment of the issue fee)

Please charge \$0.00 to deposit account 19-0761. At any time during the pendency of this application, please charge any fees required to Deposit Account 19-0761 pursuant to 37 CFR 1.25. The Commissioner is hereby requested to credit any overpayment to Deposit Account No. 19-0761.

- Applicant(s) submit herewith *Form PTO 1449 - Information Disclosure Citation* together with copies of patents, publications or other information of which applicant(s) are aware, which applicant(s) believe(s) may or may not be material to the examination of this application and for which there may be a duty to disclose in accordance with 37 CFR 1.56. As required by 37 C.F.R. §1.98(a), a legible copy of each document is provided.

The Cited Art includes:

- |                   |                    |
|-------------------|--------------------|
| 1. U.S. 4,706,121 | 8. U.S. 5,479,268  |
| 2. U.S. 4,908,713 | 9. U.S. 5,508,815  |
| 3. U.S. 4,949,187 | 10. U.S. 5,568,272 |
| 4. U.S. 4,963,994 | 11. U.S. 5,790,935 |
| 5. U.S. 5,253,066 | 12. U.S. 5,809,204 |
| 6. U.S. 5,293,357 | 13. U.S. 5,915,068 |
| 7. U.S. 5,477,262 |                    |

14. "Systems and Methods for Adaptive Scheduling and Dynamic Bandwidth Resource Allocation Management in a Digital Broadband Delivery System," Scientific-Atlanta, Inc. Patent Application, Serial No. 09/590,521, Docket No. A-5704, Filed June 9, 2000.

- A concise explanation of the relevance of foreign language patents, foreign language publications and other foreign language information listed on PTO Form 1449, as presently understood by the individual(s) designated in 37 CFR 1.56(c) most knowledgeable about the content is given on the attached sheet, or where a foreign language patent is cited in a search report or other action by a foreign patent office in a counterpart foreign application, an English language version of the search report or action which indicates the degree of relevance found by the foreign office is listed on the form PTO 1449 and is enclosed herewith.

The following rights are reserved by the Applicant(s): the right to establish the patentability of the claimed invention over any of the listed documents should they be applied as reference, and/or the right to prove that some of these documents may not be prior art, and/or the right to prove that some of these documents may not be enabling for the teachings they purport to offer.

This statement should not be construed as a representation that an exhaustive search has been made, or that information more material to the examination of the present application does not exist. The Examiner is specifically requested not to rely solely on the materials submitted herewith. The Examiner is requested to conduct an independent and thorough review of the documents, and to form independent opinions as to their significance.

It is requested that the information disclosed herein be made of record in this application and that the Examiner initial and return a copy of the enclosed PTO-1449 to indicate the documents have been considered.

Respectfully Submitted,

By:

**SEND CORRESPONDENCE TO:**  
Scientific-Atlanta, Inc.  
Intellectual Property Dept. MS 4.3.518  
5030 Sugarloaf Parkway  
Lawrenceville, GA 30044

  
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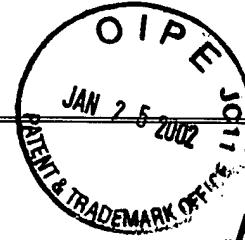
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Maryellen Licker



Form PTO-1449

U.S. Dept. of Commerce, Patent and Trademarks  
**LIST OF ART CITED BY APPLICANT**  
(Use several sheets if necessary)

Attorney Docket No.  
A-7259Serial No.  
09/896,231Filing Date  
JUNE 29, 2001Applicant:  
RODRIGUEZ ET AL.Group  
2612

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**U.S. PATENT DOCUMENTS**

Examiner's Initial		Document No.	Date	Name	Class	Subclass	
	AA	4,706,121	11/10/87	Young	358	142	
	AB	4,908,713	3/13/90	Levine	358	335	
	AC	4,949,187	8/14/90	Cohen	358	335	
	AD	4,963,994	10/16/90	Levine	358	335	
	AE	5,253,066	10/12/93	Vogel	358	188	
	AF	5,293,357	3/8/94	Hallenbeck	348	734	
	AG	5,477,262	12/19/95	Banker et al.	348	7	
	AH	5,479,268	12/26/95	Young et al	358	335	
	AI	5,508,815	4/16/96	Levine	358	335	
	AJ	5,568,272	10/22/96	Levine	386	48	
	AK	5,790,935	8/4/98	Payton	455	5.1	
	AL	5,809,204	9/15/98	Young et al	386	83	
	AM	5,915,068	6/22/99	Levine	386	83	

**FOREIGN PATENT DOCUMENTS**

		Document No.	Date	Country	Class	Subclass	Translation
	AN						
	AO						
	AP						
	AQ						

**OTHER PRIOR ART (Including Author Title, Date, Pertinent Pages, Etc.)**

	AR	"Systems and Methods for Adaptive Scheduling and Dynamic Bandwidth Resource Allocation Management in a Digital Broadband Delivery System," Scientific-Atlanta, Inc. Patent Application, Serial No. 09/590,521, Docket No. A-5704, Filed June 9, 2000.
	AS	
	AT	

**EXAMINER****DATE CONSIDERED:**

**EXAMINER:** Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance. Include copy of this form with next communication to Applicant.